

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:08-CR-113
)	(VARLAN/SHIRLEY)
ALFREDO HERNANDEZ,)	
)	
Defendant.)	

DETENTION ORDER

This matter came before the undersigned on August 19, 2008, for a scheduled detention hearing. Assistant United States Attorney Hugh B. Ward, Jr., was present representing the government. Attorney Jonathan A. Moffatt was present representing the defendant. The defendant was also present and participated with the aid of an interpreter. After hearing the defendant's proffer and the arguments of the parties, the Court took the matter under advisement. The parties reconvened on August 20, 2008, when the Court announced its ruling.

In the Court's oral ruling, a complete review and analysis of the parties' positions, issues, and facts were stated. That specific and detailed oral ruling is attached hereto and made a part of this Order as if stated herein verbatim.

For the reasons stated therein, I find, pursuant to 18 U.S.C. § 3142, that the government has met the burden of establishing by clear and convincing evidence that the release of the defendant would pose a danger to the safety of the community and by a preponderance of the evidence that the defendant is a flight risk. Furthermore, the Court finds that there are no conditions or combination of conditions of release that would reasonably assure the Court that the defendant

would not pose a danger to the safety of any other person or the community or a risk of flight.

It is therefore **ORDERED** that the defendant, Alfredo Hernandez, be detained. He is committed to the custody of the Attorney General or his designated representative for confinement in a correction facility separate to the extent practicable from persons awaiting sentencing or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. Upon order of this Court or a Court of the United States or upon request of the attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshals for the purpose of an appearance in connection with a Court proceeding.

IT IS SO ORDERED.

ENTER: *nunc pro tunc*, August 20, 2008.

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge